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U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

NOTIFICATION REGARDING LITIGATION

Docket Number:
11032/25

Technology Center 2100

Reissue Applicant
Dwight Allen MERRIMAN
et al

Reissue Application No.
09/577,798

Reissue Filing Date
May 24, 2000

Patent Number
5,948,061

Issued
September 7, 1999

Examiner

Art Unit
2757

Invention Title
METHOD OF DELIVERY, TARGETING, AND
MEASURING ADVERTISING OVER NETWORKS

Assignee
DoubleClick, Inc.

The Examiner's attention is directed to the following concurrent litigations involving the above-identified U.S. Patent No. 5,948,061:

DoubleClick, Inc. v. L90, Inc., Civil Action No. 2:99-1914, E.D. Va.

DoubleClick, Inc. v. Sabela Media, Inc., Civil Action No. 1:99-11781, S.D.N.Y.

Presently, these two litigations have been consolidated under Civil Action Nos. 1:99-11781 and 1:00-2690 in the Southern District of New York. These litigations have been stayed pending completion of the reissuance proceedings, except for the defendants' inequitable conduct counterclaims.

☛ Copies of the following documents connected to DoubleClick's litigations against L90, Inc. and Sabela Media, Inc. are enclosed:

① SUMMONS IN A CIVIL CASE, DoubleClick Inc. v. L90, Inc., Case Number 2:99-1914, District of Virginia;

→ ② COMPLAINT FOR PATENT INFRINGEMENT, DoubleClick Inc. v. L90, Inc., Case Number 2:99-1914, District of Virginia, dated November 12, 1999;

③ SUMMONS IN A CIVIL CASE, DoubleClick Inc. v. Sabela Media, Inc., 99 CIV. 1178, Southern District of New York;

② COMPLAINT AND JURY DEMAND, DoubleClick Inc. v. Sabela media, Inc.,
99 CIV. 1178, Southern District of New York, dated December 3, 1999;

② ANSWER AND COUNTERCLAIM OF DEFENDANT L90, INC.; dated January
4, 2000;

④ DEFENDANT L90, INC.'S ANSWERS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES, dated January 18, 2000;

③ PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT L90'S
ANSWER AND COUNTERCLAIM, dated January 18, 2000;

①⑦ PLAINTIFF DOUBLECLICK, INC.'S OBJECTIONS AND RESPONSES TO
DEFENDANT L90, INC.'S FIRST SET OF INTERROGATORIES (1-21), dated January
24, 2000, with Exhibits A and B;

①⑧ PLAINTIFF DOUBLECLICK, INC.'S RESPONSES AND OBJECTIONS TO
DEFENDANT L90'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS, dated
January 24, 2000;

⑦ ANSWER AND COUNTERCLAIM OF SABELA MEDIA, INC., dated January
28, 2000;

⑩ SABELA'S OBJECTIONS AND RESPONSES TO DOUBLECLICK'S FIRST
SET OF INTERROGATORIES TO DEFENDANT, dated February 1, 2000;

⑧ DEFENDANT L90, INC.'S SUPPLEMENTAL RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES, dated February 9, 2000;

⑪ PLAINTIFF DOUBLECLICK INC.'S RESPONSES TO DEFENDANT
SABELA INC.'S FIRST SET OF INTERROGATORIES, dated March 2, 2000;

(2) PLAINTIFF DOUBLECLICK'S RESPONSES AND OBJECTIONS TO SABELA'S FIRST REQUEST FOR DOCUMENTS AND THINGS, dated March 2, 2000;

(13) PLAINTIFF DOUBLECLICK INC.'S CLAIM CHART, dated March 17, 2000;

(14) SABELA'S CLAIM CONSTRUCTION CHART, dated April 14, 2000;

(56) (26) FIRST AMENDED ANSWER AND COUNTERCLAIM OF DEFENDANT L90, INC., dated May 12, 2000;

(27) DEFENDANT L90 INC.'S CLAIM CONSTRUCTION CHART, dated May 12, 2000;

(9) (4) AMENDED ANSWER AND COUNTERCLAIMS OF SABELA MEDIA, INC., dated May 17, 2000;

(19) NOTICE OF MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated May 26, 2000, with accompanying DECLARATION OF CHARLES L. KERR IN SUPPORT OF PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT OFFICE, date May 26, 2000, with Exhibits A-C;

(21) MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated May 26, 2000;

(15) DECLARATION OF JOHN M. CALLAGHAN IN SUPPORT OF DEFENDANT L90'S MOTION TO STAY, dated June 10, 2000, with Exhibits A-H attached;

(20) DEFENDANT L90, INC.'S OPPOSITION TO PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 12, 2000, with Exhibits A-D;

(22) MEMORANDUM IN PARTIAL OPPOSITION TO PLAINTIFF'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 12, 2000;

(16) DECLARATION OF JAMES S. BLANK, date June 12, 2000, with Exhibits 1-12;

(23) PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT L90'S FIRST AMENDED ANSWER AND COUNTERCLAIM, dated June 15, 2000;

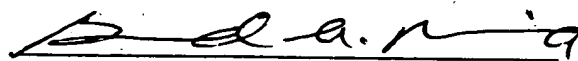
(24) PLAINTIFF DOUBLECLICK'S RESPONSE TO DEFENDANT SABELA MEDIA INC.'S FIRST AMENDED ANSWER AND COUNTERCLAIM, dated June 15, 2000;

(25) REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF PLAINTIFF DOUBLECLICK INC.'S MOTION TO STAY PENDING REISSUE PROCEEDINGS BEFORE THE U.S. PATENT AND TRADEMARK OFFICE, dated June 19, 2000;

(28) ORDER of Judge Cote, Southern District of New York, granting a partial stay pending completion of reissuance proceedings, dated July 24, 2000.

Dated: 8/25/00

By:



Gerard A. Messina (Reg. No. 35,952)

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